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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 January 1984]

Situation of human rights in East Timor

Amnesty International has been gravely concerned that, since the invasion of East Timor in December 1975, Indonesian forces in the territory have engaged systematically and persistently in practices of unusual brutality. Amnesty International has received reports from a variety of sources of human rights violations of the most serious kind over several years: of the "disappearance" and summary or arbitrary execution of non-combatants; of the torture and ill-treatment of persons taken into the custody of Indonesian forces, including their detention in cruel and inhuman conditions; and of the imprisonment without charge or trial of persons often held on the simple suspicion of opposition to the Indonesian occupation.

To the knowledge of Amnesty International, the Indonesian authorities have not conducted or permitted impartial investigations into the violations of human rights brought to their attention in the past several years. Nor is there any evidence of the Indonesian authorities have instituted or enforced safeguards which might prevent the recurrence of these violations. Indeed, recent reports indicate that since August 1983 further arrests, killings and "disappearances" have taken place on a scale which cannot yet be determined. In this context Amnesty International welcomes the concern expressed by the Commission on Human Rights with respect to the human rights situation in East Timor as reflected in resolution 1983/8 and the more recent recommendation of the Sub-Commission in resolution 1983/26 that the Commission "continue to consider with attention the evolution of the situation of human rights and fundamental freedoms in East Timor".

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Recently, Amnesty International received a copy of manuals containing guidelines issued in July-September 1982 by the Indonesian Command for East Timor to Indonesian military personnel serving in the Baucau district of East Timor, providing direct evidence that these violations have been officially condoned. These guidelines condone the use of physical and psychological torture in certain circumstances during interrogation; and the issuing of threats on the lives of persons undergoing interrogation to ensure their co-operation. The Indonesian Government responded by denying that the Ministry of Defence and Security had issued any manuals specifically covering East Timor. However, the manuals in Amnesty International's possession were not issued by the Ministry of Defence but by the military command for East Timor. In the six months since it made the manuals publicly available, Amnesty International has received no information which casts doubt on their authenticity.

1. Interrogation and torture

Amnesty International has received many reports of the torture of East Timorese suspected of having opposed the Indonesian occupation. These reports often concern persons in precisely those circumstances described in the manual on interrogation mentioned above, namely people undergoing interrogation after capture or surrender. Amnesty International also has the names of people who were held for interrogation and who subsequently "disappeared" or died as a result of torture.

Amnesty International would particularly like to draw attention to two interrogation houses reported to be in current use in Dili as of the beginning of 1983. There have been persistent reports of the torture and ill-treatment of persons held in these places. They are:

- A warehouse attached to the house formerly owned by Francisco Babo in the Rua Abilio Monteira in the Colmera district, now believed to be occuped by a unit of the RPKAD (Resimen Parakommando Angkatan Darat, paratroops), recently named Kopassandha;

- A house formerly owned by Joao do Rosario Martires in the Rua Alferes Duarte O Arbiru in the Farol district used since late 1979 for interrogation by army intelligence (A-1, commonly known as Intel).

Among those held for interrogation and allegedly tortured in the Intel house were a number of women, some of whom had reportedly been picked up on suspicion of having communicated with relatives in the bush. Amnesty International has the names of several women held by intelligence who were reportedly raped and had burning cigarettes applied to their breasts.

2. Extrajudicial executions and "disappearances"

There is now a large body of evidence indicating that Indonesian forces in East Timor have resorted to extrajudicial executions on a large scale since the very first days of the invasion. Amnesty International has lists of hundreds of people who were reportedly killed outside combat or "disappeared" between December 1975 and the end of 1982. Amnesty International's own investigations have concentrated on the period from early 1979 and have revealed recurring patterns of large-scale killings and "disappearances" as well as cases of what appear to be random killings of individuals and small groups.

Amnesty International believes that it is now firmly established that several hundred East Timorese were executed throughout the territory between late 1978 and September 1979. Another wave of arrests, killings and "disappearances" occurred in Dili after a Fretilin attack on 10 June 1980. Again during Operation Security (Operasi Keamana) in July-September 1981 when thousands of Timorese were deployed to form "fences" of people who were to converge on and flush out remaining Fretilin forces, many persons were reportedly killed outside combat.

Although Amnesty International has not received detailed reports of large-scale killings and "disappearances" between the time of Operation Security in 1981 and August 1983 reports of individual killings persisted and there continue to be grounds for concern that, in the absence of any clear intent to bring Indonesian forces within the framework of the law, circumstances may arise in which Indonesian forces resort to brutal measures on a large scale.

3. Atauro and other places of detention

Amnesty International has been concerned at the transportation to the island of Atauro, offshore East Timor proper, of several thousand persons for indefinite periods and in conditions which endanger their health and well-being. The majority of these persons have been women, old people and children often arrested on grounds of family relationship to Fretilin members still fighting in the bush. Reports of the transportation of people to the island of Atauro began in mid-1980 when an unknown number of people were reportedly sent to the island for alleged participation in the attack of 10 June 1980 referred to earlier. The majority of those transported to Atauro were sent there in June-September 1981 during Operation Security.

Despite earlier Indonesian assurances that Atauro would be closed, possibly by mid-1982, the number of detainees held there increased substantially during the year from 3,280 persons in February 1982 to more than 4,000 by mid-September 1982. From the beginning of 1983, large numbers of people were reportedly returned to the mainland. It was understood that the number of persons still held on Atauro had been reduced by August 1983 to about 1,600. However, Amnesty International has recently received reports that about 300 of those arrested since August 1983 have been sent to Atauro.

Amnesty International continues to receive reports of detainees held without charge or trial in places other than Atauro. Apart from a continuing programme of visits to the island of Atauro, the International Committee of the Red Cross (ICRC) has not been permitted access to any prisons except Dili District Prison (the Comarca) and a prison attached to the military district command (KODIM) headquarters in Los Palos. Visits even to these prisons have not been carried out since November 1982, despite an agreement in principle reached in February 1983 between the Indonesian Government and ICRC that the Committee should carry out a programme of visits to all prisons in the territory.

4. Recent developments

It was reported at the end of August 1983 that Indonesian forces had launched a new offensive in East Timor. The fear that this offensive might lead to further violations of the rights of East Timorese has unfortunately been borne out by reports subsequently received.

Amnesty International has learned that several hundred persons have been arrested since mid-August in the areas of Dili, Baucau and Viqueque. Amnesty International has been informed that many of those arrested have been sent to Atauro and to Denpasa in Bali together with others who were already in detention in August. Amnesty International has received the names of a small number of these persons, some of whom were reported to have been severely beaten after arrest. Despite reports of the transfer of detained persons to Atauro and Bali, it has not been possible to establish the present whereabouts of those detainees known by name and there are fears that they may have "disappeared". In addition Amnesty International has received further reports in recent months of the arbitrary killing of non-combatants. One report received from several mutually independent sources alleges that as many as 200 persons in the village of Kraras, Viqueque were killed by Indonesian troops reportedly in reprisal for the killing of 16 Indonesian soldiers on 8 August 1983.

In view of the evidence now available that the human rights of individual East Timorese have been and may continue to be systematically violated, and in view of the failure of the Indonesian authorities to countermand what appear to be standing policies whose predictable outcome is the perpetration of such violations, Amnesty International believes it is imperative that the Commission on Human Rights during its present session address, and take all possible measures to respond to, violations of human rights in East Timor.

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